

Northern Planning Committee

Agenda

Date:	Wednesday, 13th January, 2010
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Code of Conduct-Declarations of Interest/Pre-Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of the Meeting** (Pages 1 - 6)

To approve the Minutes of the meeting held on 16 December 2009 as a correct record.

4. **Public Speaking**

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter

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A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **09/3544M-Change of Use of Land to Allow The Siting of 23 Timber Clad Twin Unit Caravans (Extension To Previously Approved Site), Land Between Back Lane and Macclesfield Road, North Rode, Congleton for Mr and Mrs Noad**
(Pages 7 - 20)

To consider the above application.

6. **09/3841M-Erection of Four Floodlights on Telescopic Columns, Prestbury Bowling Club, Macclesfield Road, Prestbury, Macclesfield for Prestbury Bowling Club** (Pages 21 - 28)

To consider the above application.

7. **09/3335M-Erection of 10 Apartments And Management Office, 22- 24, Manchester Road, Wilmslow, Cheshire for Stirling Management Group Ltd**
(Pages 29 - 36)

To consider the above application.

8. **09/3006M-Renew Consent to Retain Dwelling- Resubmission of 09/0256P, White Peak Alpaca Farm, Paddock Hill Lane, Mobberley, Knutsford for Mr Hodgson**
(Pages 37 - 48)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 16th December, 2009 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor R West (Chairman)
Councillor M Hardy (Vice-Chairman)

Councillors C Andrew, G Barton, J Crockatt, E Gilliland, O Hunter, T Jackson,
W Livesley, J Narraway, D Neilson, L Smetham, D Stockton, D Thompson and
C Tomlinson

OFFICERS PRESENT

Mrs N Folan (Planning Solicitor), Mr D Garratt (Development Control
Manager), and Mr N Turpin (Principal Planning Officer)

Apologies

None

78 CODE OF CONDUCT-DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor Miss C M Andrew declared a personal interest in application-09/3056M-Demolition of Existing Buildings & Erection of 3 no 15 Bed Low Secure, Mental Health Units with Support Building & Secure Outdoor Space (To match an existing NHS Institutional Use). Proposed New Developments are to be served by new Infrastructure & provide parking & bike stands for 50 staff as existing, The Mary Dendy Unit, Chelford Road, Nether Alderley, Macclesfield, Cheshire for Mr Bryce Irons, Cheshire & Wirral Partnership NHS by virtue of the fact that she had been the Ward Councillor for that area for many years and was aware of the issues with the site and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

79 MINUTES OF THE MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

80 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

81 09/3056M-DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 3 NO 15 BED LOW SECURE, MENTAL HEALTH UNITS WITH SUPPORT BUILDING & SECURE OUTDOOR SPACE (TO MATCH AN EXISTING

NHS INSTITUTIONAL USE). PROPOSED NEW DEVELOPMENTS ARE TO BE SERVED BY NEW INFRASTRUCTURE & PROVIDE PARKING & BIKE STANDS FOR 50 STAFF AS EXISTING, THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE FOR MR BRYCE IRONS, CHESHIRE & WIRRAL PARTNERSHIP NHS

(A representative of the Applicant and the Applicant's agent attended the meeting and spoke in respect of the application),

Consideration was given to the above application. Members were informed that any reference to Class C2 within the report should be amended to Class C2 (a).

RESOLVED

That the application be approved subject to the completion of a Section 106 Agreement which would require the Applicant to produce and operate a travel plan for the development. It should have regard to the nature of the development, the accessibility of the site and local transport provision and include procedures for monitoring and remedial action as well as operating at all times whilst the development is occupied. The approval of the application was also to be subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A02LS - Submission of landscaping scheme
6. A06NC - Protection for breeding birds
7. A08MC - Lighting details to be approved
8. A24HA - Provision / retention of service facility
9. A01HP - Provision of car parking
10. A04HP - Provision of cycle parking
11. A05HP - Provision of shower, changing, locker and drying facilities
12. A02TR - Tree protection
13. A04TR - Tree pruning / felling specification
14. A06TR - Levels survey
15. A02HA - Construction of access
16. A08HA - Gates set back from footway/carriageway
17. A01HP_1 - Provision of car parking
18. A26HA - Prevention of surface water flowing onto highways
19. A07HP - Drainage and surfacing of hardstanding areas
20. A30HA - Protection of highway from mud and debris
21. A32HA - Submission of construction method statement

22. Ground levels
23. Visibility splays
24. Short/long stay cycle parking
25. Breeding birds
26. Incorporation of measures to enhance the biodiversity value of the site.
27. Landscape masterplan
28. Phasing plan required for landscape
29. Detailed designs for hard and soft landscape
30. Boundary treatment
31. Landscape management plan

(The meeting was adjourned for 5 minutes).

82 09/3213M-ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED LANDSCAPING, ACCESS AND CAR PARKING ARRANGEMENTS AS WELL AS LANDSCAPE ALTERATIONS TO THE WIDER AREA OF EXISTING OPEN SPACE, FORMER TA CENTRE, CHESTER ROAD, MACCLESFIELD, CHESHIRE FOR BRACKENHOUSE PROPERTIES LTD

(The Agent for the Applicant attended the meeting and spoke in respect of the application).

Consideration was given to the above application. It was noted that the following wording on page 19 last point under Main Issues had been omitted and should have been included as follows:-

‘106 Agreement and what their Heads of Terms comprise’.

In addition it was noted that on page 27 of the report under the second paragraph the word ‘special’ should have read ‘spatial’.

RESOLVED

That the application be approved subject to the completion of a Section 106 Legal Agreement comprising of the following:-

1. Provision of a minimum of 25% genuinely Affordable Housing in the form of 15% social rented housing (12 units) and 10% intermediate housing (9 units).
2. Amenity open land: to provide public access and a long term landscape and habitat management plan dealing with wildlife and protected species, long term management of the existing open space, establishment and management of the new amenity spaces, public access issues, a table of

maintenance operations and timings and cost implications for the developer.

3. Provision of financial contributions in lieu of on site play and sporting provision (£58500 and £39,500 respectively)
4. Financial contribution to Traffic Regulation Order (£3000)
5. Monitoring costs

The approval of the application was also to be subject to the following conditions:-

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A02EX - Submission of samples of building materials
5. A02FP - Commencement of development
6. A02LS - Submission of landscaping scheme
7. A03AP - Development in accord with revised plans (unnumbered)
8. A04LS - Landscaping (implementation)
9. A04NC - Details of drainage
10. A06HP - Use of garage / carport
11. A06NC - Protection for breeding birds
12. A07HP - Drainage and surfacing of hardstanding areas
13. A12LS - Landscaping to include details of boundary treatment
14. A15HA - Construction of highways - submission of details
15. A17LS - Submission of landscape management plan
16. A21HA - Submission of details of turning facility
17. A22GR - Protection from noise during construction (hours of construction)
18. A23MC - Details of ground levels to be submitted
19. A30HA - Protection of highway from mud and debris
20. A32HA - Submission of construction method statement
21. 15m radii to be provided
22. Finished floor level
23. waste audit
24. parking hardstanding to be provided
25. 10% renewable energy
26. revised plans
27. revised highway access (15m radii)
28. No pile driving

29. All construction vehicles to remain on the site (submission of a construction method statement)
30. The materials/design of the security fence to the pond to be agreed. Wood was to be used if possible.
31. Sycamore tree adjacent to the access to be retained or, if removed or is to die within 5 years, a replacement specimen is to be provided on the opposite side of the access road to Chester Road.

83 009/3199M-ERECTION OF FENCING & BARBED WIRE (RETROSPECTIVE), PANACEA, WILMSLOW ROAD, ALDERLEY EDGE, CHESHIRE FOR PLAYWORKS LTD

(During consideration of this application Councillors B Livesley and Mrs T Jackson left the meeting and did not return).

(The Ward Councillor F Keegan, a representative from the Police supporting the application and a representative for the Applicant attended the meeting and spoke in respect of the application).

Consideration was given to the above application.

RESOLVED

That the application be refused on the grounds of the impact of the visual amenity on the area.

(This decision was against the Officer's recommendation of approval).

The meeting commenced at 2.00 pm and concluded at 5.30 pm

Councillor R West (Chairman)

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Application No: 09/3544M

Location: LAND BETWEEN BACK LANE AND, MACCLESFIELD ROAD, NORTH RODE, CONGLETON, CHESHIRE

Proposal: CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23 TIMBER CLAD TWIN UNIT CARAVANS (EXTENSION TO PREVIOUSLY APPROVED SITE)

For MR & MRS D NOAD

Registered 23-Oct-2009

Policy Item Yes

Grid Reference 387422 366436

Date Report Prepared: 31 December 2009

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Impact upon the character and appearance of the area
- Traffic generation and sustainability
- Impact upon nature conservation interests

REASON FOR REPORT

Members will recall a previous application (09/1509M) was refused in August 2009 by the Northern Planning Committee contrary to officer recommendation. This application has sought to address Member concerns regarding the impact of the proposal upon the character and appearance of the area.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2.5km north of Congleton. The site is roughly rectangular and lies to the between the residential property of Novar to the south (the applicant's residence), and Phase 1 of the approved caravan site – "*Ladera*". Two highways, Back Lane and Macclesfield Road, border the site.

DETAILS OF PROPOSAL

This application seeks full planning permission for the change of use of land to allow the siting of 23 static caravans as an extension to a previously approved caravan park (06/2254P), currently under construction. The two schemes together will result in a total of 55 caravans at the site.

The 23 caravans would be positioned around a large central pond/pool and the perimeter of the site will be mounded and screened with mature landscaping.

The caravans will be twin units, single storey in height, with a pitched roof, clad in timber, in keeping with the caravans on the adjoining site. Each caravan will measure a maximum of 6.8 metres in width, 20m in length and have an internal ceiling height no greater than 3.05m.

The static caravans fall within the statutory definition of a caravan under the Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006.

Reception, office facilities and a visitor car park are to be shared with the Phase 1 of the development – to the west of the site.

An internal road would be provided within the site to give vehicular access to each unit – which would have one parking space. Access to the site will be gained via the existing access on Back Lane through the existing caravan park.

The main difference from the previous application is an enhanced landscaping scheme, including the mounding to the A536, additional boundary planting and additional internal planting. More details have also been submitted outlining the effectiveness of the proposed mitigation planting.

RELEVANT HISTORY

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

POLICIES

Regional Spatial Strategy

DP1 = Spatial Principles

DP4 = Make the Best Use of Existing Resources and Infrastructure

DP5 = Manage Travel Demand; Reduce the Need to Travel, and

Increase Accessibility
DP8 = Mainstream Rural Issues
RDF2 = Rural Areas
W7 = Principles for Tourism Development

Local Plan Policy

RT13 = New Tourist Attractions
GC5 = Countryside Beyond the Green Belt

Other material considerations

- Good Practice Guide for Tourism
- PPS7 (Sustainable Development in Rural Areas)
- PPG13 (Transport)
- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)

CONSULTATION RESPONSES

Environment Agency - No objection, subject to a condition requiring the submission of a drainage scheme to the LPA, and an informative also related to drainage.

Environmental Health – No objection

Highways Service – No objection subject to conditions as attached to previous appeal decision

Manchester Airport – No objection

Public Rights of Way – No objection

Campaign to Protect Rural England - Comments not received at time of report preparation

Eaton Parish Council – No need for this extension, top water from this site drains onto surrounding land resulting in waterlogging, hiding the new site will not stop its impact.

North Rode Parish Council – Object on the grounds that the proposal will have a detrimental visual impact, increase road use on narrow lanes, and there is no demand for this type of development.

OTHER REPRESENTATIONS

To date, four letters of representation have been received from local residents and neighbouring landowners objecting to the proposal on the following grounds:

- Current application ignores other concerns raised during previous submission.
- Proposal would be out of character by establishing a centre of habitation.
- Unacceptable to discharge outflow from sewage treatment to existing farm ditch.

- Effluent treatment plant labelled as water treatment plant on plans which is misleading.
- Increased water run off will exacerbate flooding on surrounding land.
- No benefit to local community.
- Description of buildings as caravans is misleading.
- Tourism benefit would only be for owners of the lodges.
- Site licence should have been agreed with the applicant prior to considering the application. Also no site license for phase 1, where lodges are for sale.
- No need exists.
- A large bank of soil will not protect the landscape.
- Additional screening will not create a sustainable development.
- Landscaping will “box in” existing open rolling countryside, altering the character of the landscape.
- Drainage remains an unknown entity, and is likely to be problematic.
- No drainage system in place from the previous application.
- Site can be seen from a public road.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

- Planning, Design and Access Statement
- Transport Statement
- Ecological Appraisal
- Landscape Visual Impact Assessment and Mitigation Proposals

Each of these documents can be viewed in full on the application file.

OFFICER APPRAISAL

Principle of Development

In November 2007 a Public Inquiry was held following the Council's refusal of planning application 06/2254P, for the change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping.

The application was refused by the Planning Sub-Committee (of the former Macclesfield Borough Council) for three reasons:

1. The site would not operate in a sustainable manner due to lack of access to public transport;
2. The site was isolated from existing tourist facilities and local amenities;
3. The proposal would be tantamount to a residential rather than recreational use

The appeal was allowed, and a partial award of costs was granted against the Local Planning Authority in respect of reason for refusal No. 3, as the Inspector felt it was unreasonable.

The Inspector concluded that there were no technical highway, landscape or ecological reasons to indicate that the site was not suitable for the proposed

development. Furthermore, he acknowledged that a quiet rural retreat requires a quiet rural location, and that the development complied with national policies designed to promote sustainable development. These considerations apply with equal rigour to the current proposal.

The principle of this form of development has been established at this site, and as there have been no material changes in relevant planning policy, no objection can therefore be raised to the principle of the development.

National Planning Policy

National Planning Policy guidance in respect of tourism development is contained within the Good Practice Guide on Planning for Tourism, PPS7 & PPG13.

The Good Practice Guide on Tourism was published in May 2006, and supersedes PPG21 - Tourism. The guidance contains specific advice in relation to holiday, touring caravan and chalet parks. It advises that holiday parks are the largest provider of rural tourism bed spaces and that planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscape and environmentally sensitive sites.

The guide advises that sites close to settlements will generally be more sustainable but recognises that there will be some occasions where development for tourism is sought in a location where it will be difficult to meet the objective of access by sustainable modes of transport and that the choice of location may have been determined by a functional need.

Paragraph 15 of PPS7 - Sustainable Development in Rural Areas acknowledges that some leisure and recreational opportunities require a countryside location. Paragraph 34 acknowledges that tourism and leisure activities are vital to many rural economies. It advises that Local Development Documents should support sustainable rural and leisure developments, even when they are statutorily designated for their landscape, nature conservation or historic qualities.

Paragraph 36 advises that facilities may be justified in the countryside where there are no suitable buildings or developed sites available for re-use.

Paragraph 39 advises that local authorities should carefully weigh the objectives of providing adequate facilities and sites with the need to protect the landscape and environmentally sensitive areas.

PPG13 – Transport gives advice in respect to tourism and leisure development which generate large amounts of traffic. At the appeal the appeal the Inspector concluded that the development was a low traffic generator.

Local Planning Policy

The Macclesfield Borough Local Plan (2004) has no saved policies in respect of the provision of static caravans. Policy RT13 encourages the provision of new tourist attractions. Policy RT16 allows the development of new touring caravan sites in the open countryside so long as there is no harm to the character of the area, the road network is appropriate and infrastructure is made available.

The suitability of the site under this policy framework has already been assessed by the Planning Inspector, and he concluded that the site was appropriate for tourism purposes.

CONSIDERATION OF THE PROPOSALS

Impact on the character and appearance of the area

The impact upon the character and appearance of the area was the sole reason for refusal on the previous application (09/1509M). The applicant has therefore attempted to address Members concerns regarding this issue within their submission.

A Visual Impact Assessment has again been submitted with the application, which identifies 17 viewpoints around the site. The assessment identifies that there will be slight or moderate adverse impacts upon 5 of these viewpoints, and recommends mitigation proposals in these areas to reduce the impact of the development on the character and appearance of the area.

The five viewpoints considered to have any adverse impact are:

Viewpoint 1 – Back Lane (slight)

Proposed mitigation: 5 metre wide buffer strip of planting on south western and north western edge with additional nursery stock tree planting.

Viewpoint 3 – A536 approaching from the north (moderate)

Proposed mitigation: Landscape buffer planted on mound set on edge of site, boosting existing hedgerow. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge set on the ridge top of the mound for winter screening.

Viewpoint 6 – Dwelling on A536 (moderate)

Proposed mitigation: 10m wide buffer strip planted on mound to strengthen existing boundary hedge. Extensive planting around the temporary entrance is also proposed. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge

Viewpoint 7 – Track on A536 (moderate)

Proposed mitigation: Planting outside existing Larch lap fence line.

Viewpoint 8 - Novar (Applicant's residence - discounted)

Proposed mitigation: Existing Conifer hedge will be encouraged to grow into a full screen.

Additional mitigation is proposed in the form of enhancement works to the boundary of the woodland block to the North and North East. This area will accommodate compensatory planting. New woodland groups will also be established within open glades formed by the removal of failed and dead trees.

The Landscape Officer has commented on the proposal and notes that although the dwelling on Macclesfield Road has views into to the site now, the proposed mounding with a large percentage of evergreen native shrubs and trees should over time minimise the impact. It is also noted that since the previous application the smaller pond contained by a retaining wall has been removed and more structural planting around the caravans has been incorporated into the design. This will give the caravans more privacy and a better landscape setting. The larger pond now includes islands which will give a more interesting smaller scale landscape, which is more appropriate with this type of development.

The proposed landscaping scheme which comprises a large proportion of evergreen native shrubs and trees is considered to significantly reduce the visual impact of the proposal and the impact upon the character and appearance of the area is therefore considered to be acceptable.

Trees

The northern section of the current application site was identified for tree / woodland planting as part of the landscaping scheme for 06/2254P. This involved the planting of 7500 square metres of open land which has been off set to the north of the existing woodland on other land under the applicant's control. The majority of the off set planting has been identified within Rode Heath woodland, within open areas, weak areas, edge planting, and within an open area where a number of trees have recently been removed.

The proposed drainage plan identifies an on site water treatment plant. The Arboricultural Officer has discussed the implications for the woodland with the applicant, United Utilities and the Environment Agency. Any flooding or partial flooding of this area will inevitably lead to the demise of a number of protected trees. The applicant will have to demonstrate that the proposals can be implemented without having a detrimental impact or connect directly into the mains sewer, which can be dealt with by an appropriate condition. The proposed drainage and external works serving the caravan units will not impact directly on any of the retained trees

Traffic generation

A Transport Statement prepared by Singleton Clamp has been submitted in support of this application. Section 5 considers the anticipated transport impact of the proposed development.

Traffic flow data has been taken from TRICS (Trip Rate Information Computer System) and trip rates have been taken from two similarly sized caravan parks; Ribblesdale Park, Gisburn and Bassenthwaite Lakes, Keswick.

From the trip rates derived from the data sources and assuming 100% occupancy of both phase 1 & 2 of the caravan park, it is anticipated that the proposed development would generate a maximum of 15 trips per hour (onto Back Lane) in the busiest hour, between 11.00am - 12.00pm daily. The Inspector concluded that even at 100% occupancy, 9 trips per hour was a low traffic generator. It is considered that 15 trips per hour would not be significantly different to this, and could not be termed a "high traffic generator".

Further to this, paragraph 5.4 of The Good Practice Guide on Tourism advises:

"For small scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments".

It is considered that the volume of traffic generated from the proposed development is not significant, and will not have an adverse impact on the rural highway network.

The Highways Service raises no objections to the proposal subject to the compliance with the relevant highways conditions attached to the original appeal decision. It is also noted that an existing field gate granted approval under application 08/2729P for a temporary period to allow for the delivery of the caravans is shown on the submitted plans. A condition is recommended to ensure that this access does not become a permanent feature. The transport statement also highlights the developer's commitment to implement a Travel Plan as with the previously allowed appeal scheme.

Sustainability

As outlined above, application 06/2254P was refused by Macclesfield Borough Council on the grounds that the site was isolated from existing tourist facilities and local amenities, and would not operate in a sustainable manner due to lack of access to public transport.

In his consideration of the proposal the Inspector advised:

The proposal includes the provision for a footpath through the appellant's land to bus stops on the A536 which would be improved as part of the proposal. A travel plan is submitted which includes the provision of cycle parking and information relating to footpaths and cycle routes. Further, a minibus would be provided which would pick up and drop off staff, collect owners from bus and rail stations and Manchester Airport, take owners to local shops, pubs and restaurants and collect food orders. It would also be available for organised trips to local attractions.

The Inspector concluded that these measures would provide owners with an opportunity to use other modes of transport than the private car and acknowledged that the use of this facility by individual owners would be likely to reduce travel demand.

Further to this, the Good Practice Guide on Tourism indicates that there may be occasions where tourism developments are sought in locations difficult to access by sustainable modes of transport and that where these were small scale and the traffic

generated likely to be fairly limited, then additional traffic movements are unlikely to be a reason for refusal for otherwise suitable tourism developments.

Ecology

The Nature Conservation Officer considers that the proposal will not result in any significant adverse ecological impacts. The proposed tree planting and lake creation is likely to lead to an overall gain for biodiversity in accordance with PPS9.

Conditions are recommended to prevent any disturbance of birds during the breeding season and to ensure that additional provision for nesting birds is provided as part of the scheme.

Other considerations

Two primary concerns raised by local residents in letters of objection are matters of lack of need for such tourist accommodation and drainage.

Need/Prematurity

In terms of need, it should be noted that the original site is still being developed with only five of the approved 32 chalets currently on the site; therefore it is reasonable to assume that whatever demand exists might be capable of being met by the existing planning permission. Relevant tourism documents applicable to this area all serve to promote tourism within the Borough. *Tourism Matters* produced by Macclesfield Borough Council in 2002 identifies the demographic of older ABC1s of 45 years plus, relatively well educated and with interests in walking, historic properties and gardens as one of the principal market sectors in the Borough. This grouping has a high propensity to take short breaks, and the applicant has indicated that it is this demographic that is showing interest in the site. Similarly, *Growing our Visitor Economy – A refreshed framework fro Cheshire and Warrington to 2015* (March 2008) highlights the “lazy outdoors countryside experience, perfect for recharging the batteries after a busy week at work”. The proposed development serves to increase the choice available to visitors and the severe constraints of Green Belt policy are likely to prevent a saturation of such sites, particularly across the northern half of the Borough.

Neither local nor national policy requires applicants to demonstrate a need for tourist accommodation as part of their submission. In the absence of other identified harm to matters of public interest, little weight can therefore be afforded to this issue. The Inspector in the previous appeal decision adopted a similar position with regard to the “need” issue. In such a policy vacuum he took the view of letting the market determine.

Drainage

With regard to drainage, details are shown on drawing M8/994-1035/05. The surface water is shown on the plans to be directed towards the central pond within the site, and other permeable areas such as planting areas. The access roads are identified as being porous granular road surfaces. The foul water drains are shown to connect to a water treatment plant within the site. The Environment Agency raises no objection subject to a condition requiring the submission of details of a scheme to

dispose of foul and surface water. Subject to the receipt of these details, there is nothing to suggest that these drainage methods are not acceptable to serve the site. Issues relating to the flooding of neighbouring land are a private matter between the applicant and adjoining landowners, and are not considered to present any identifiable harm to matters of public interest.

CONCLUSIONS AND REASON(S) FOR THE DECISION

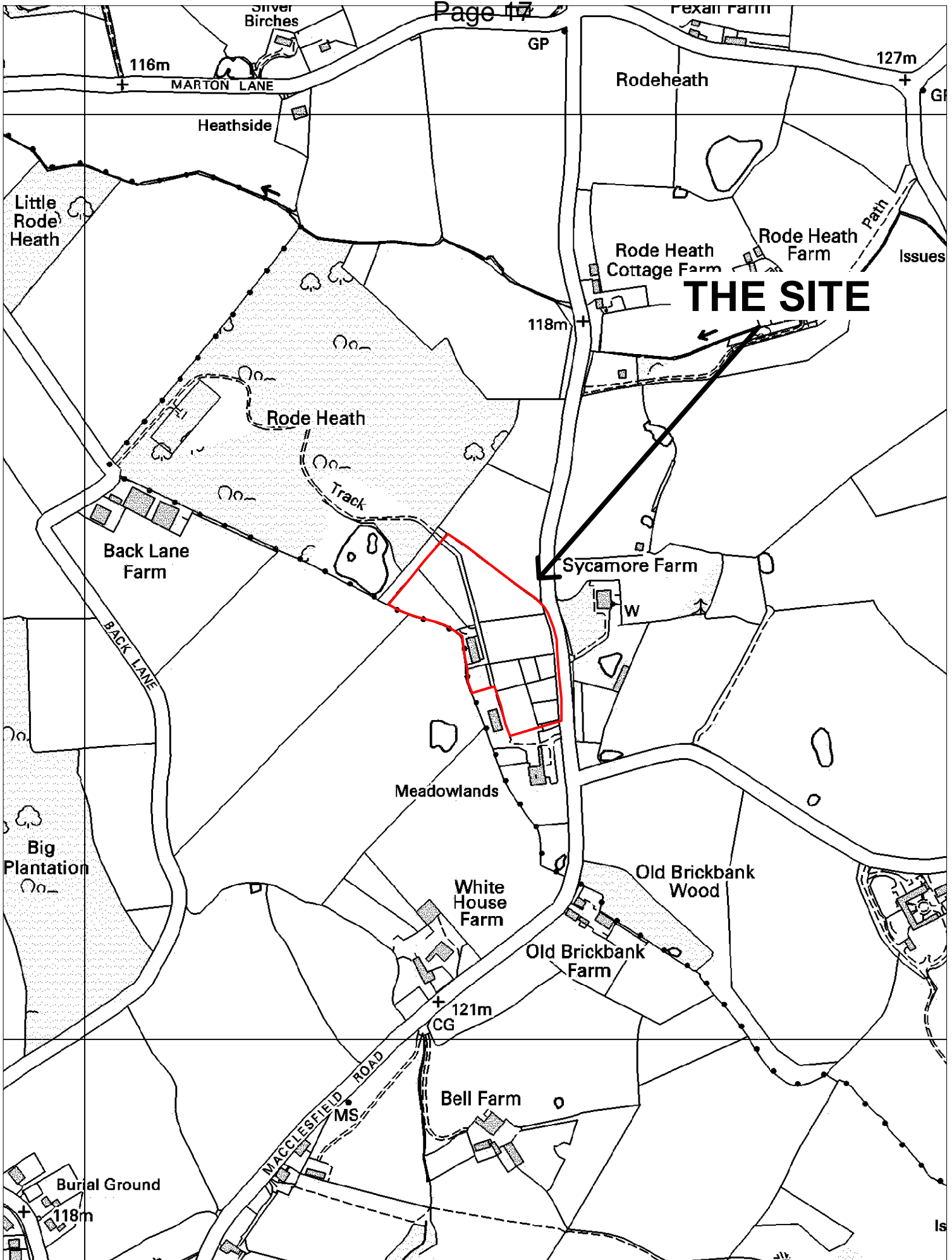
It is considered that the proposed development will have a limited impact on visual amenity and will not harm the character of the area, due to the extent of proposed landscaping / mitigation scheme, which minimise the visual impact of the development. This landscaping has been improved since the earlier submission and is considered to be fit for its purpose.

On the basis of the above information, and following the receipt of the views of the outstanding consultees, a recommendation of approval is made, subject to conditions, and the applicant entering into a legal agreement.

HEADS OF TERMS

A section 106 legal agreement is required in respect of the following:

- Submission and implementation of a Woodland Care Management Plan
- Submission and implementation of a Travel Plan
- Preparation and issuing of a Licence agreement to all licensees in respect of the occupation of the caravans



09/3544M - LAND BETWEEN BACK LANE AND, MACCLESFIELD ROAD, NORTH RODE, CONGLETON, CHESHIRE
N.G.R. - 387,450 - 366,440

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04LS - Landscaping (implementation)
3. A06NC - Protection for breeding birds
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A04TR - Tree pruning / felling specification
7. A07TR - Service / drainage layout
8. Submission of drainage details
9. Incorporation of features for nesting birds
10. External appearance of caravans in accordance with details approved under 06/2254P
11. Lighting details to be approved
12. Details of roads, parking spaces, hardstanding, storage of materials & parking of contractors vehicles to be in accordance with application 06/2254P
13. Ecological Management Plan to be in accordance with scheme approved under application 06/2254P
14. Refuse storage and recycling to be in accordance with details approved under application 06/2254P
15. The caravans shall be occupied for holiday purposes only
16. The caravans shall not be occupied as a person's sole or main place of residence
17. The site owners/operators shall maintain an up to date register of the names of all the occupiers of the caravans
18. No caravan on the site shall be occupied between 14 January and 1 March in any year
19. Access and visibility off Back Lane shall be in accordance with details approved under 06/2254P
20. No gates or other means of obstruction shall be placed across the access within 15 metres of the boundary of the highway
21. Provision of turning space to be submitted
22. Passing places along Back Lane
23. Footpath to the A536
24. Bus stop to be upgraded
25. Provision of cycle parking facilities

26. Timing of removal of temporary access from A536

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Application No: 09/3841M
Location: PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD,
PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4BW
Proposal: ERECT FOUR FLOODLIGHTS ON TELESCOPIC COLUMNS
For PRESTBURY BOWLING CLUB
Registered 13-Nov-2009
Policy Item No
Grid Reference 390187 376691

Date Report Prepared:

23 December 2009

REASON FOR REPORT

The application was called into Northern Committee for consideration by Members by Councillor Jackson.

SUMMARY RECOMMENDATION**MAIN ISSUES**

- Impact upon residential amenity
- Impact upon the character and appearance of the conservation area

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of a bowling green & pavilion located within an area of open space as defined within the local plan.

The site is bordered by residential dwellings to the north, south and west of the site, whilst to the east lies an open area of countryside.

DETAILS OF PROPOSAL

The application seeks full planning permission for the construction of four floodlights on telescopic columns, fitted with 1000w bulbs.

RELEVANT HISTORY

08/1358p Erection of 8 floodlights
Refused 25/7/2008
APP/C0630/A/08/2091782

Dismissed 24/3/2009

08/0019p Erection of four floodlights
Withdrawn 27/2/2008

97/0371 Bowling green, pavilion & temporary access
Approved with conditions 30/7/1997

POLICIES

Regional Spatial Strategy

RDF4 Green Belts
L1 Health, Sport, Recreation, Cultural & Educational Services
DP1 Spatial Principles

Local Plan Policy

BE1 Design Guidance
BE3 Conservation Areas
RT1 Open Space
DC3 Amenity
DC64 Floodlighting

Other Material Considerations

PPG17 Planning for Open Space, Sport & Recreation
SPG Floodlighting for Sporting Activities

CONSULTATIONS (External to Planning)

Environmental Health: No objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: No comments to date

OTHER REPRESENTATIONS

Four letters of objection have been received to date. The following objections were raised:

- Concerns raised over the suggested hours of operation (4pm – 10.30pm) in relation to the previous applications that suggested between 4pm – 10pm
- Request that a condition be attached to the decision notice to ensure that the floodlights are retracted fully after each use
- Visual impact of the proposal

APPLICANT'S SUPPORTING INFORMATION

A design and access statement was submitted as part of the application providing an overview of the development. The following conditions were also proposed within the statement:

- Lights used between 1 April – 31 October annually
- Lights used between the hours of 4pm – 10.30pm
- Columns & light fittings painted green

A lighting survey was also submitted with the application providing detailed information in relation to the lighting levels proposed.

OFFICER APPRAISAL

Principle of Development

The principle of providing floodlighting for recreational facilities can be acceptable, subject the following considerations:

- Landscape Character
- Residential Amenity
- Historical or Wildlife Features
- Highway Safety
- Intensification of the site

It is also important to consider how the proposed development would impact upon the character / appearance of the conservation area.

Policy

The most relevant policy within the Macclesfield Local Plan (2004) in order to assess the application is DC64: Floodlighting.

The Prestbury conservation Area Appraisal offers guidance into the character of the conservation area.

Use

The bowling green was granted planning permission in 1997. The club has since grown in terms of membership, and seeks planning permission for floodlights in order to provide extended use of the green during the bowling season (April – October).

Design & Character of the Area

The area in question forms an attractive area of open space to the front of the Shirleys, and contributes significantly to the character of the area. The site is also located within the Prestbury conservation area.

The proposal seeks permission for the addition of four floodlights to the area, mounted upon 8m tall columns. The floodlights would be retractable to a low level height of 2.5m. Whilst it is accepted that the proposed lights and columns would be clearly viewable whilst extended to their 8m height, it is also considered when the lights are retracted that there would be no impact when viewing the area from outside the site due to the significant level of existing screening. The lights would be viewable from the Shirleys, however it is not considered that this would be significantly detrimental to them.

It is understood that the proposed lights would provide benefit to the recreational facility. Within the appeal decision from application 08/1358p the Inspector noted that the lights would improve the recreational facility. However, he also considered that, as the proposed lights would be permanently positioned at 6m, that they would have a utilitarian appearance and would therefore significantly impact upon the Prestbury conservation area. The found that proposals pros and cons to be quite finely balanced. The proposed floodlights are however retractable, and would be limited in use to a few hours between April and October. At all other times the lighting columns would be retracted, which could be controlled by condition.

When considering the visual impact of the floodlight columns when retracted, it is considered that the impact would not be sufficient in order to substantiate grounds for refusal. It is considered necessary to request details of the proposed colour that the columns would be painted in order to ensure that they would have an acceptable visual impact within the location.

Residential Amenity

The application site is located to the rear of the village hall in Prestbury with access to the green provided from the car park located to the rear of the village hall. The green is relatively well screened within the location, however can be viewed from The Shirleys apartment block to the north of the application site. A public footpath runs from Shirleys Drive and River Side Park parallel to the River Bollin providing further views of the green.

The proposed floodlights would increase the level of light to the green, particularly as no lighting is in place on the site at the moment, however it is also recognised that the light would be concentrated in a block across the bowling green. The site is also bordered by residential developments that also emit light, therefore it is not considered that the proposal would result in a significant increase in light to the overall area.

A lighting assessment report was submitted as part of the application, indicating the proposed lights would result in minor overspill from the green itself, however would not impact upon the surrounding residential properties. These details have been assessed by the Environmental Health department and are considered to be acceptable. At its nearest point the proposed lights would be situated approximately 10m away from the proposed floodlights. Due to the flat topography of the site and the positioning of the lights facing downwards, it is considered that the lights would have no adverse impact upon residential amenity.

Similarly it is considered that the proposal would increase the level of noise from the green to a significant level as to warrant refusal of the application.

Member's attention should also be drawn to the Inspectors assessment of the previous planning application with regards to residential amenity, in particular paragraph 11 that stated;

'I note some residents' concern that the extended use of the green allowed by the lights could cause noise and disturbance, at a time when residents might expect peace and quiet. I note also that unless some limitation on the amount of use were imposed, there would be nothing to prevent the lights being used for casual play on other than league evenings. However, I would not regard the likely degree of disturbance as sufficiently harmful to warrant rejection of the proposal. I consider that the floodlighting of the green should not have unacceptable effects on living conditions, and would therefore comply with LP policy DC3 and DC64 (2).'

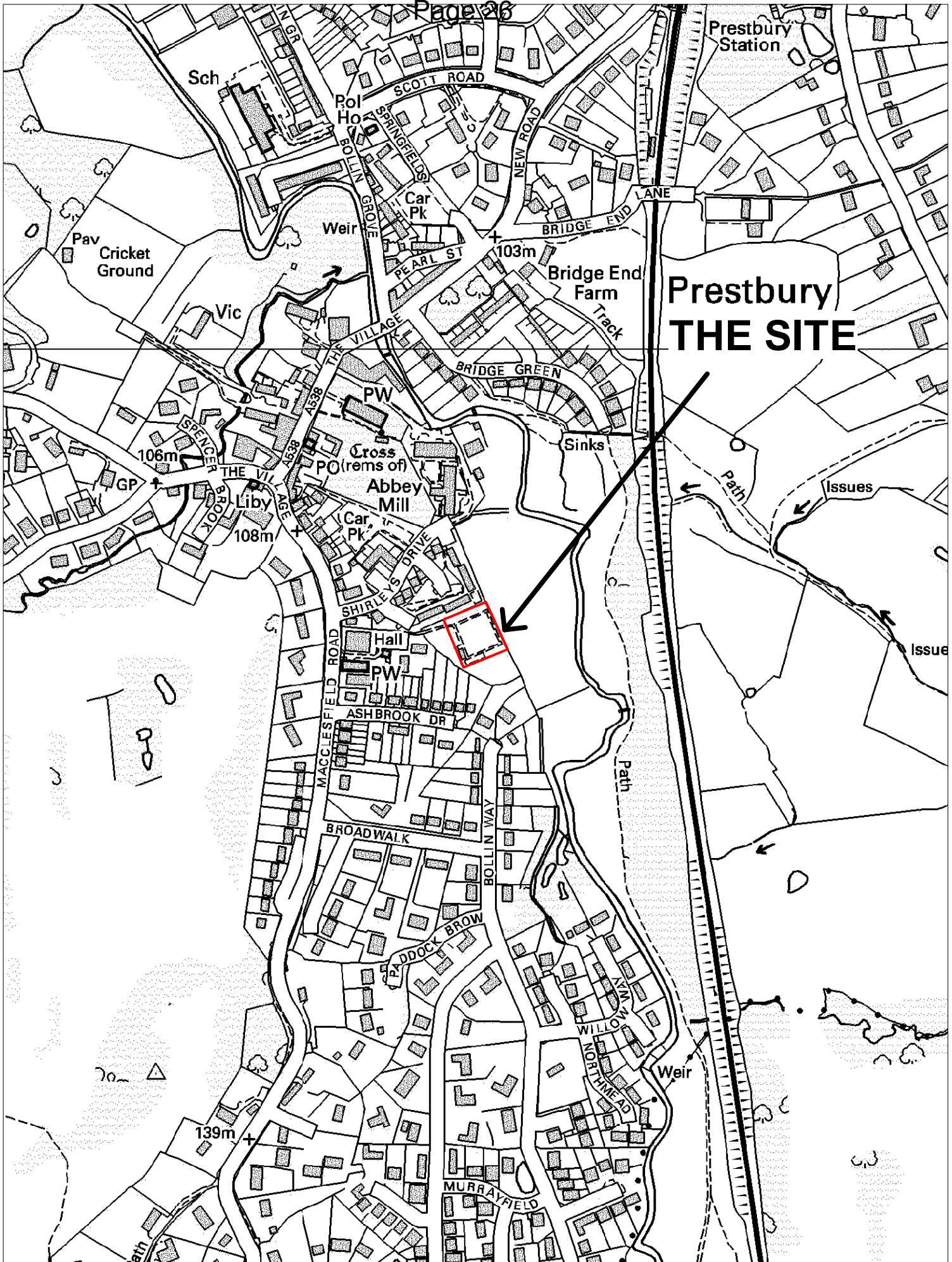
It is also important to note that the previous proposal sought consent for 8 floodlights, as opposed to the current application which seeks approval for four.

Within the design and access statement submitted as part of the application the applicant proposes that the lights would be used until 10.30pm. During the course of the two previous planning applications the proposed hours of use were until 10pm. As matches finish at 9.30pm, it is not considered that the lights should be used until any later than 10pm, and this could be controlled via an appropriate condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The amended scheme is considered to overcome the previous reasons for refusal at the site.

As such the application is recommended for approval, subject to conditions.



09/3841M - PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD, PRESTBURY, MACCLESFIELD, CHESHIRE
N.G.R. - 390,190 - 376,690

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved
5. A24EX - Details of colour
6. Lighting Operation Period
7. Hours of Use
8. Retraction of Lights

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Application No: 09/3335M

Location: 22- 24, MANCHESTER ROAD, WILMSLOW, CHESHIRE, SK9 1BG
Proposal: ERECTION OF 10 APARTMENTS AND MANAGEMENT OFFICE

For STIRLING MANAGEMENT GROUP LTD

Registered 13-Oct-2009
Policy Item No
Grid Reference 384902 381289

Date Report Prepared: December 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Whether the mixed use development is acceptable
Whether the proposed access is adequate and acceptable
Whether the layout and design is appropriate
Whether any permission granted should be accompanied by a Section 106 Agreement, and what these heads of Terms would comprise

REASON FOR REPORT

This is an application for a major housing development which according to the Constitution needs to be determined by Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The site occupies a prominent main road frontage on the eastern side of Manchester Road opposite the St Bartholomew's, Wilmslow Conservation Area. The area generally is in a mixture of uses characterised by residential and commercial premises.

The street is mainly constructed of Victorian terraces and semi detached properties. Building heights vary between 2 and 4 storeys and there is a significant slope up the street going towards the town centre. Most buildings are fabricated in traditional red brick and slate roofs.

DETAILS OF PROPOSAL

The scheme proposes a mixed use of 10 no x 2 bedroomed flats and a small office on the ground floor of a three storey building on an existing brownfield site located in close proximity to the centre of Wilmslow. To the rear of the site, accessed via an undercroft located centrally on the frontage of the building, lies a shared car parking area and bin storage facilities.

The proposed three storey building would be formed of red bricks with a contrasting red brick decorative band with clay tiled roof and sandstone window cills etc.

The proposed building footprint, height, scale and massing are very similar to the extant permission for the office development of this site granted under reference 08/0436P.

RELEVANT HISTORY

- | | |
|----------|--|
| 08/0436P | Demolition of existing buildings and erection of three-storey office building incorporating car parking and alterations to access (22- 24 Manchester Road) Approved 4 June 2008. |
| 06/0036P | Erection of 10no. Apartments with access details, car parking layout & landscaping (reserved matters). Approved 08 March 2006 |
| 03/1620P | Erection of a three storey block housing 10 apartments with 12 car parking spaces, alterations to access and associated landscaping (outline). Approved 16 July 2003. |

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP2 (Promote Sustainable Communities)
- DP4 (Make the Best Use of Existing Resources & Infrastructure)
- DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
- DP7 (Promote Environmental Quality)
- DP9 (Reduce Emissions and Adapt to Climate Change)
- RT2 (Managing Travel Demand)
- EM2 (Remediating Contaminated Land)
- EM18 (Decentralised Energy Supply)
- MCR3 (Southern Part of the Manchester City Region)
- L2 – Understand Housing Markets
- L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

- Policy 11 (Development and waste recycling)

Local Plan Policy

- BE1 (Design Guidance)
- GC1 (New Buildings)
- H1 (Phasing Policy)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Housing Sites)
- T2 (Transport)
- WTC7 (Wilmslow Mixed Use Area)
- DC1 (Design New Build)
- DC3 (Amenity)
- DC6 (Circulation and Access)
- DC8 (Landscaping)

DC36 (Road layouts and Circulation)
DC37 (landscaping)
DC38 (Space, Light and Privacy)
DC40 (Open Space standards)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Environmental Health (Noise and Amenity) – No objection subject to the use of acoustic double glazed windows.

Highways- No objection subject to conditions.

Leisure Services - No objection in principle to the application, consider that contributions are required for Public Open Space and Recreation/Sporting provision.

OTHER REPRESENTATIONS

None received at time of writing this report

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement

These documents are available in full on the planning file, and on the Council's website.

OFFICER APPRAISAL

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

Principal of Development

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

Policy WTC7 refers to mixed-use areas within Wilmslow town centre. Within this policy small-scale offices and residential uses are permissible the amenity of residential occupiers or the character of the area is not harmed and the proposal does not compromise other proposals in the Plan. The proposed office is very small, being the management office for the Applicant property development company and comprising part of the ground floor of the proposed block

The proposals comprise an efficient use of previously developed land in a sustainable location. The site is located within easy access of the town centre and on one of the main roads serving the town centre of Wilmslow. It would in principle be an appropriate location for intensive residential development and a small office subject to appropriate levels of amenity being maintained for neighbouring residents and subject to the character of the area being maintained. In this respect, the proposal fully accords with the requirements of PPS1 and Policy WTC7.

Design, layout and site planning

Policies BE1, H13, DC1, & DC3 generally require new development to be in sympathy with its surroundings and seek to protect the amenities of neighbouring residents.

Policy BE1 specifically states that the Borough Council will promote high standards of design, which should reflect local character; respect the form, layout, siting, scale and design of surrounding buildings and their setting; contribute to a rich environment and add to the vitality of the area; be human in scale and not normally exceed 3 storeys in height; and use appropriate materials.

In terms of site planning issues there are considered to be two main areas that require detailed assessment. The first of these relates to the height of the building and its relationship with the adjoining property at No 26. The second relates to the distance that the new building will project to the rear of the site. Both these considerations need to be seen against the context of the scale, mass and design of the previously approved housing scheme and previously approved office scheme on this site.

The proposed building will be approximately 2.3m higher than the ridge height of the adjoining property at No 26, and would have an eaves height circa 1.5 metres greater. The two buildings will be separated by approx 0.5 metre gap to the side boundary. This is not dissimilar to the approved officer scheme in terms of height differential.

It is now considered that these alterations have, on balance, overcome the concerns relating to mass, scale and height of the building at the point where it connects to No.26 Manchester Road.

The proposed building footprint is very similar to the approved housing and office schemes. This was previously considered to achieve an acceptable relationship with the adjoining recently developed Ladyfield Street residential properties to the side and rear of the site.

In terms of design the building has a traditional appearance, with bays to the front and dormer and feature turret style gables to the roof with red brick facing materials and buff sandstone cills. Whilst the turrets are a novel feature, given the variety in the roofscape in this location and the sloping nature of the site, this element is considered, on balance, to be acceptable subject to the use of an appropriate slate material and hue. This can be conditioned.

The residential development to the rear of the site approved under reference 05/2600P has been completed. However, the privacy distances between the new houses to the rear and the proposed block is circa 24 metres, very similar to the approved block of flats on this site. On this basis, the relationship between the proposed building and its neighbours is considered acceptable.

HIGHWAYS AND TRANSPORT IMPLICATIONS

The layout submitted indicates that 17 car parking spaces are proposed, 2 of which are allocated for disabled drivers.

The site is considered to be reasonably close to the railway station, the main bus stops and local shops and services. This is a sustainable site which can sustain a high density mixed use development. The parking standards would require 10 spaces for the residential properties and 3 spaces for the commercial premises. It is therefore considered that there is a slight over-provision of parking provided (2 spaces as shown on the application drawings) with the spaces suitable for disabled drivers who may work or visit the commercial premises to not be counted within this assessment.

PPG13 advises that developers should not be compelled to provide parking spaces that they themselves do not consider necessary and that parking standards should be expressed as a maximum with no minimum requirement, other than for parking spaces for disabled drivers. Accordingly, there is a slight over-provision in parking. Additionally, there is an under provision of cycle parking provided with no secure cycle parking provided for the office user or visitor cycle parking stands. It is considered that conditions could be imposed that would redress the balance.

In terms of highway layout, the proposed access off Manchester Road would be via an undercroft, which would allow 2 cars to pass. The Highway Authority finds the layout generally acceptable and raises no objections subject to planning conditions.

Provision of Sport and Recreation facilities

Policy RT5 is concerned with the minimum standards for open space provision and states that in any development proposals the Borough Council will seek to secure the provision of outdoor playing space and amenity open space by planning obligations. As inadequate provision for sport and recreation is provided on site, it is necessary to provide for that provision elsewhere. The Leisure Services Manager has advised of the requirement in this case and the Applicant has confirmed that he is willing to provide for such off site provision via a financial contribution secured through a S106 Legal Agreement.

Renewable Energy and Waste Provision/Storage

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted and subsequently implemented as part of this scheme.

It is also a requirement of Policy 11 of the Cheshire Waste Plan 2007 to minimise waste and ensure adequate provision of recycling facilities during development and subsequent occupation.

The plans submitted indicate a adequate size of bin store provision, which will be the subject of management by the Applicant to ensure adequate transfer of waste from the bin store to the rear to a frontage store. No details are provided. A condition is recommended to ensure adequate facility for waste recycling and storage.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is considered to be an appropriate use of the site in planning terms and conditions can be imposed that will safeguard the amenity of the locality. The scale, massing and design of the building fits within the context of the area and is very similar to what has previously been granted permission. On this basis, the proposal is in accordance with the Development Plan. There are no other material considerations which would justify not granting planning permission in this case.

SUBJECT TO

The following conditions and the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of financial contributions in lieu of on site play and sporting provision (£35,000)
- Monitoring costs



THE SITE

WILMSLOW

09/3335M - 22- 24, MANCHESTER ROAD, WILMSLOW, CHESHIRE, SK9 1BG

N.G.R. - 384,390 - 381,290

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A01LS - Landscaping - submission of details
2. A02AP - Detail on plan overridden by condition
3. A02EX - Submission of samples of building materials
4. A02HA - Construction of access
5. A03FP - Commencement of development (3 years)
6. A03HA - Vehicular visibility at access (dimensions)
7. A04HP - Provision of cycle parking
8. A07HA - No gates - new access
9. A10HP - Driveway surfacing - single access drive
- 10.A12LS - Landscaping to include details of boundary treatment
- 11.A17MC - Decontamination of land
- 12.A19MC - Refuse storage facilities to be approved
- 13.A22GR - Protection from noise during construction (hours of construction)
- 14.A23GR - Pile Driving
- 15.A32HA - Submission of construction method statement
- 16.Provision of amended car parking layout
- 17.turning facility to be provided prior to use
- 18.Parking provision for visitors/employees with disabilities to be provided
- 19.renewable energy
- 20.manchester rd frontage properties sound attenuation required

Application No: 09/3006M

Location: WHITE PEAK ALPACA FARM, PADDOCK HILL LANE,
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB

Proposal: RENEW CONSENT TO RETAIN DWELLING- RESUBMISSION OF
09/0256P

For MR A HODGSON

Registered 21-Sep-2009

Policy Item No

Grid Reference 381875 379752

Date Report Prepared: 23 December 2009

REASON FOR REPORT

This application is referred to Committee as it is a resubmission of an earlier application that was determined by Northern Planning Committee in May 2009.

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not whether there are any very special circumstances that would outweigh any harm caused by inappropriateness and any other harm
- Whether the visual impact of the proposal is acceptable

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a timber dwelling under a felt tiled roof. It forms part of the wider agricultural holding of White Peak Alpaca Farm. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to retain the existing temporary agricultural workers dwelling (originally granted for a 3 year period until 28 September 2008) on the site indefinitely.

RELEVANT HISTORY

09/2640M Creation of new access track (determination) Approval not required
16.09.09

09/0256P Renew consent to retain dwelling (mobile home) resubmission of 08/2046P
Refused 20.05.09

08/2046P Renewal of 05/2623p to allow retention of mobile home for occupation by an
agricultural worker Refused 24.10.08

05/2623P 1no. mobile home approved with conditions Approved 16.12.05

05/1853P Proposed mobile home for an agricultural worker (outline) Approved with
conditions 28.09.05

In December 2009 an enforcement notice was served which requires the timber
dwelling to be removed from the site by 9 July 2010. This notice is due to take effect
on 9 January 2010 unless an appeal is made against it beforehand.

POLICIES

Regional Spatial Strategy

RDF4 Green Belts
DP1 Spatial Principles

Local Plan Policy

BE1 Design Guidance
GC1 New Buildings
DC1 Design
DC3 Amenity
DC6 Circulation and Access
DC23 Permanent Agricultural Dwellings

Other Material Considerations

PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Building Control: agree with submitted Surveyors report that Ivy Cottage in its
present form is uninhabitable and is in need of extensive renovation and
modernisation.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: consider that the applicant should receive approval to
retain the mobile home on site for a further period of time up to 3 years until the Ivy
Cottage site can either be redeveloped or the said mobile home is re-sited on the Ivy
Cottage site.

OTHER REPRESENTATIONS

To date, 13 representations have been received in relation to the application, all of which apart from one are objecting to the application. Copies of these can be viewed on the application file.

In summary the letter of support states that the property is in keeping with the area; the design, layout and position of the building enables the owners to take care of their herd of valuable alpacas in the most efficient way possible. Their business is a great asset to the agricultural diversity of the area and the property is a vital part of their ability to continue their contribution to the locality and provide the highest standards of animal welfare for their alpacas.

The letters of objection raise the following concerns:

- Question how it is possible for the development on this site to take place without planning permission
- Allowing permission to this application opens the door to similar enterprises
- The applicants own a property (Ivy Cottage) in the immediate area
- Not a mobile home and therefore renewal of consent to retain a dwelling is detrimental to Green Belt policy
- Applicants have mislead the Council on several occasions and extended twice the size they originally had permission for
- Applicants have no regard for planning policy or conditions and if they have sought to do this now without planning permission, what will they stop at in the future
- Inappropriate development in the Green Belt
- Only a matter of time before Ivy Cottage is brought back to life
- Proposal injures the visual amenity of the Green Belt
- Cynical attempt to manipulate the planning laws to unnecessarily build on a greenfield site when a brown field site (Ivy Cottage) is available
- Building is excessive to be considered as a farm workers dwelling
- The need for on site residence to look after alpacas is not proven
- Building not in keeping with the immediate area
- What is on site does not fall within the definition of a caravan
- Information provided is misleading in relation to Ivy Cottage
- When permission was previously granted under 05/2623P the applicants did not have the benefit of owning Ivy Cottage, they do now and should develop this as per the Local Plan
- Whilst Ivy Cottage undoubtedly required renovating this could be undertaken negating the need to establish a new dwelling on Green Belt land. Ivy Cottage is directly adjacent to the farm as the applicants have recently obtained title to the land directly adjacent to Ivy Cottage
- The statements claiming inability of Mrs Hodgson in relation to affording repairs to Ivy Cottage is not a planning consideration as cost of renovating is not a factor attached to policy DC24
- Field adjacent to Ivy Cottage that is owned by the applicants has a mains water supply and the cost of connecting mains water supply to Ivy Cottage would not be as prohibitive as the applicants suggest

- The floorspace of the “mobile home” is similar to that of Ivy Cottage suggesting that it would be adequate for the applicants needs
- Business relies heavily on income from the shop and a supporting letter from Yorkshire Bank indicates that capital was introduced into the business in 2008. This shows that the applicants have capital of their own which could also be used to fund the renovation of Ivy Cottage
- Question viability of the business
- Some of the supporting documents are out of date and question their independence
- A swimming pool is now housed in an extension area and costly geothermal heating has been installed since the original planning application request which seems at odds with the temporary nature of the property
- Valuation of Ivy Cottage is seriously misleading, another valuation carried out by Whittaker & Biggs values it at £200,000 to £250,000 as it stands

APPLICANT'S SUPPORTING INFORMATION

A supporting letter, Design & Access Statement and a report by an independent rural consultant have been submitted in support of the application. Copies of these documents are available to view on the application file.

In summary, the report of the rural consultant states that the business does not have the ability to source the money that would be needed to renovate Ivy Cottage; Ivy Cottage cannot provide adequate supervision of the livestock during the non working, out of hours periods and Ivy Cottage is too small to suit the needs of a key worker employed by the business. The supporting letter states that as Ivy Cottage is not a suitable alternative the proposed retention of the log cabin would not be contrary to policy.

OFFICER APPRAISAL

Principle of Development

The construction of new dwellings in the Green Belt for the purposes of agriculture and forestry is acceptable in principle. However, the Council would need to be satisfied that the applicant has demonstrated that there is a functional need for the dwelling and that the agricultural business is financially sound and has a clear prospect of remaining so. Additionally it would need to be demonstrated that the need cannot be met by any other existing accommodation in the area.

Green Belt / Justification

PPG2 and Local Plan policy GC1 state that the construction of new buildings in the Green Belt is inappropriate unless it is for, amongst other things, agriculture and forestry and GC1 states that the provision of new dwellings will be subject to the principles contained in Policy GC6 which refers to the siting of the dwelling.

Policy DC23 of the Local Plan reflects the advice in PPS7 with its listing of the following criteria that should be met in order for planning permission to be granted for a permanent agricultural dwelling:

- There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit (functional test).
- The unit and agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (financial test).
- The need cannot be met by another dwelling on the unit.
- There are no buildings available for conversion.
- The need cannot be met by any other existing accommodation in the area, and
- The dwelling should be appropriately located and wherever possible should be sited within and designed in relation to a nearby group of dwellings or a farm complex.

Functional test

The outline permission in 2005 established a functional requirement for an agricultural worker's dwelling at the site. At that time the applicant had a herd of approximately 50 Alpacas. At the time of the previous application (09/0256P) the applicants had 85 Alpacas with 35 offspring expected. The applicants stated that they owned 10 acres of land, which includes 2 acres that was left to Mrs Hodgson with Ivy Cottage. They rented another 10 acres of nearby land on a grazing agreement, which has no fixed term, and a further 7 acres was rented from a neighbour in return for maintaining the hedges. In total they had access to 27 acres, which would meet the British Alpaca Society's stocking ratio of four to five Alpacas per acre. Of course, the land holding could be reduced at any time to approximately 10 acres, which would result in a requirement to reduce the herd to between 40 and 50 Alpacas to avoid overgrazing. The applicant's agent has confirmed that the present stocking levels and land holding is similar to the time of the previous application.

At the time of the original outline permission the Council sought the advice of Reading Agricultural Consultants, who noted that with 50 Alpacas there was a requirement for one full time and one part time worker. Reading also made reference to Inspectors being consistently persuaded that even relatively small numbers of animals satisfy the functional test for a dwelling. This is reinforced by the appeal example submitted by the applicant at the time of a previous application (08/2046P) to retain the dwelling indefinitely, which allowed a (temporary) dwelling on a holding comprising 11 Alpacas.

It is understood that there are features of Alpaca enterprises that distinguishes them from most other large livestock enterprises, such as the lengthy breeding season and the disproportionately high value of offspring in relation to the numbers produced. The comments received in representation to a previous application referred to comments by a member of the British Alpaca Society, stating that although it is preferable to live on site, it would be possible to run a successful breeding business without doing so. These comments are acknowledged; however, for the reasons noted above, it has

previously been accepted by the Council that there is a genuine requirement for a dwelling at the site to allow the proper functioning of the enterprise.

Financial test

Detailed accounts for the year ended 31 August 2008 were submitted with the previous application and the applicant's agent is relying on all of the information previously submitted.

Paragraph 8 of Annexe A to PPS7 states that "new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable." PPS7 and policy DC23 of the Local Plan require the unit and agricultural activity concerned to have been established for at least three years and have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Submitted financial information indicates that the net profit in 2006 was £19,774, in 2007 it was £26,185 and in 2008 it was £26,225.

These figures indicate that the business has been in profit since 2006 at a minimum, and evidence submitted with the outline application in 2005 suggests that it has been in profit since 2004. However, it should be noted that the profit figures do not include any wage costs. The applicant has also confirmed that any reinvestment in the business will also come from this total net profit.

The submitted profit and loss breakdown does not indicate any expenses for land rental. The supporting statement implies that the land they do not own is the subject of other agreements, possibly goodwill arrangements, rather than financial. It has to be considered that this situation could change at any time, thereby either significantly increasing outgoings or requiring a reduction in total stock. Furthermore, the shop that has been set up, which operates for 6 hours every Saturday and Sunday, brought in £11,854 of income, but due to initial set up costs, resulted in a profit of only £1,580. In subsequent years if this level of income is maintained for the shop, and in the absence of set up costs, it may well contribute approximately one-third of the total net income.

Given the factors excluded from the net profit, the figure is very modest, and it is evident that the business has operated for a number of years on relatively low levels of profitability. However, it is not contrary to policy DC23 or the requirements of PPS7 for the enterprise to operate merely on a subsistence basis. The question remains though, whether the current levels of profitability will ensure that the business remains sufficiently financially sound in the medium to long term? Or whether subsistence living would suit future owners / occupiers of the land holding / enterprise? Additionally the applicant's apparent inability to finance the renovation of Ivy Cottage also casts further doubt on the long term financial viability of the business in the future.

Other Tests

Notwithstanding the functional and financial tests, the other requirements of policy DC23 include ensuring that: the need cannot be met by another dwelling on the site; there are no other buildings available for conversion; the dwelling is appropriately located, and; the need cannot be met by other accommodation in the area.

One of the applicants owns a third share of a property (Ivy Cottage) on land adjacent to the application site. It is understood that the two other owners live abroad in Australia. The property is in a poor condition with no services (running water, electricity, drainage, cess pool, septic tank, or damp proof membrane). It was occupied up until approximately 3 years ago by two elderly gentlemen, and a valuation carried out on behalf of the applicants in 2008 valued it at approximately £70,000 in its current condition. A structural report on the property submitted by the applicant states that it is beyond economic repair. The Council's Structural Engineer has inspected the building, considered the report and agrees with its findings.

With the intention of avoiding possible abuse of the system, paragraph 5 of Annex A to PPS7 advises local authorities to "investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farm land concerned. Such a sale could constitute a lack of agricultural need." It is understood that Ivy Cottage was left to Mrs Hodgson's mother (who lives adjacent to Ivy Cottage at The Yews) in 2005 and subsequently transferred to the sole ownership of Mrs Hodgson in August 2006. Mrs Hodgson in turn had it registered in the name of herself and Mr. Hodgson's two sisters in July 2008, shortly before the first application for a permanent dwelling in September 2008.

The applicant's rural consultant does not consider that Ivy Cottage is suitable to meet the needs of the holding as he does not consider that it is suitable in terms of its location and size to meet the functional requirement of the business. Additionally, based on the structural report and valuation provided by the applicants, he does not consider that the business can afford to renovate Ivy Cottage.

Turning to the first point, Ivy Cottage lies immediately adjacent to the Alpaca Farm, and officers consider that the site of Ivy Cottage is appropriately located to meet the need for the dwelling arising from the existing agricultural activity associated with White Peak Alpacas. Whilst the site of Ivy Cottage may not be as preferable to the applicant's as the site of the existing dwelling, it is considered that it would nevertheless provide an adequate level of supervision for the animals. The applicant's do not own the piece of land immediately opposite Ivy Cottage, however they do own the land beyond it and currently use this land to keep other animals in their ownership. The boundary of this land is sited approximately 15m from the boundary of Ivy Cottage. Additionally, the larger paddock owned by the applicants in which they currently keep alpacas is visible from the site of Ivy Cottage. Turning to the size of Ivy Cottage, officers agree that it is a modest sized cottage which in its present condition does not provide an adequate level of facilities for modern day living. However, it is considered that subject to cost, it would be possible to renovate and extend the cottage to improve the level of facilities to an acceptable level. Additionally, the existing cottage could be demolished and a new cottage built, or the existing timber dwelling re-located to the site of Ivy Cottage if necessary.

With regard to the ability of the business to finance the renovation of Ivy Cottage, in reaching his conclusions, the applicant's rural consultant had regard to the costs and valuations included within a report submitted by the applicants. In terms of the valuation of the property, in 2008 the applicant's valuer gave it an approximate value of £70,000 in its current state. More recent valuations have been provided by third parties, both dated November 2009. One provided by a local developer values the property at £250,000 to £300,000 and another provided by a local estate agent values it as £200,000 to £250,000 in its current state, though assuming that mains water and electricity would be available and that septic tank drainage would be a feasible option. The applicant's surveyor considers that it would cost in the region of £115,000 to £120,000 to demolish and rebuild the existing cottage and an additional £50,000 to £60,000 to provide electricity, water and drainage. Based on current profits from the business of £26,000, a high street bank has concluded that the business has in the region of £8,000 per year to service any additional borrowing. This would service approximately £85,000 over a twenty year term. Based on the costs and valuations provided by the applicants, their rural consultant therefore concluded that the business could not afford to renovate/rebuild the existing cottage.

However, as stated, it seems that there is some doubt as to the true value of Ivy Cottage and therefore the economic viability of its renovation/rebuild. Notwithstanding its value, even based on the applicant's figures, the business could afford to borrow sufficient funds to provide services to the site which could be used if necessary to service the re-located timber dwelling. Additionally were the costs of connecting services to be reduced, this together with any proceeds from the sale of the timber dwelling and the increased value of the existing cottage, could provide sufficient funds to renovate/rebuild the cottage.

In conclusion, whilst the functional need for the dwelling is accepted, there remains some doubt as to the long term financial viability of the business. Additionally it is considered that the need for a dwelling can be met by the site of Ivy Cottage. Whilst it is acknowledged that there would be a financial cost associated with the use of this site, it is considered that if the business is financially viable, then it should be capable of meeting this cost. In these circumstances the permanent retention of the timber dwelling would seriously undermine the Council's policies which reflect national guidance on this issue and would reduce the openness of the Green Belt.

Design / Character and appearance

The dwelling is a single storey structure vertically clad in Western Red Cedar down to ground level. It has a felt tiled roof. The relatively compact external appearance of the structure is similar to that of a log cabin.

The building is not prominent from public vantage points and is significantly screened from Paddock Hill by an existing agricultural building. Any glimpses that might be achieved will show the building within the context of this existing timber clad agricultural building. The proposed dwelling is therefore not considered to have any significant impact upon the character of this Green Belt area. No additional landscaping is considered to be necessary.

Highways

The Highways Authority raised no objections to the previous applications on this site subject to conditions relating to parking and visibility at the access, which have been provided. No significant highway safety issues are therefore raised.

Amenity

Due to the existing relationship with neighbouring properties, no significant residential amenity issues are raised by the proposal.

Other Matters

Whilst the refusal of this application and compliance with the enforcement notice issued on 9 December 2009 would require the applicants to find an alternative site for residence, it is not considered that there is a need for the development that overrides the identified harm caused by the proposal. The interference with the Human Rights of the applicants would be justified when weighed against the impact of the retention of the dwelling in the Green Belt.

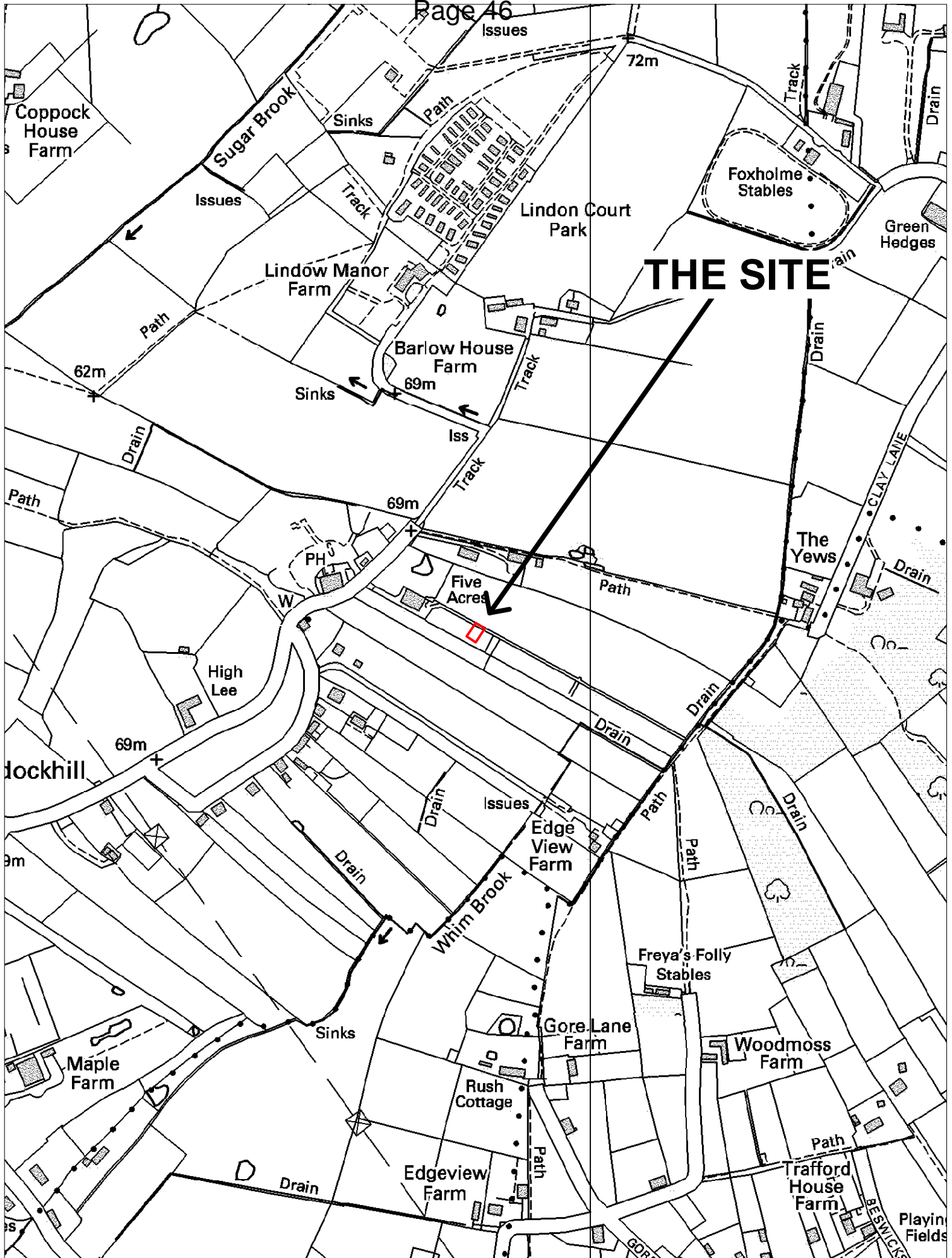
CONCLUSIONS AND REASON(S) FOR THE DECISION

There is considered to be a functional need for a dwelling to exist at the holding to enable the proper functioning of the Alpaca enterprise. However, the relatively low levels of profitability, the limited extent of land under the ownership of the applicants and the informal arrangements for additional grazing land all raise some concern regarding the prospect of the business remaining financially sound in the medium to long term.

Additionally the existence of the existing dwelling at Ivy Cottage, although in a poor state of repair, casts further doubt over whether the current proposal complies with the requirements of policy DC23. Ivy Cottage would be capable of conversion/rebuilding, and if this dwelling became unavailable through the applicant's own actions (by registering the property in two additional names) then potentially this is such a situation that paragraph 5 of Annex A to PPS7 seeks to avoid. Ivy Cottage is set in a quiet rural location within the Green Belt and despite its rather run down state, must have considerable development potential due to its positioning.

It is acknowledged that the applicants have clearly committed themselves to the Alpaca business over recent years, investing considerable time and money in the process. A refusal of planning permission would ultimately leave them with an uncertain future. But it is the uncertainty surrounding the other dwelling at Ivy Cottage, and the circumstances of its changing ownership that has raised the concerns outlined above. Indeed the applicants could apply to site their mobile home on the site of Ivy Cottage in the event of its demolition. As a replacement dwelling in the Green Belt, such development is, in principle, acceptable.

The proposal is therefore considered to be inappropriate development in the Green Belt and no very special circumstances have been put forward by the applicants to justify approval of the application.



THE SITE

09/3006M - WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB
N.G.R. - 381,870 - 379,750

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Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R01LP - Contrary to Local Plan policies
2. R04LP - Contrary to Green Belt / Open Countryside policies
3. POL01 - Policies
4. Plans

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